THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 3805 of 2006

Dated: 04.09.2006

Between:

B. Chandrashekaraiah, S/o Kondaiah, Sr. Assistant, A.P. State Housing Corporation, 7th Cross Road, Savathinagar, Nellore.

.... PETITIONER

AND

A.P. State Housing Corporation Limited, rep. by its Managing Director, 3-6-184, Urdugally, Himayathnagar, Hyderabad-29 and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 3805 of 2006

Order:

This writ petition is filed seeking a Mandamus declaring the proceedings dated 23.08.2005 of the 1st respondent-Corporation, as illegal and arbitrary, and consequently to direct the respondents to count the services rendered by the petitioner from 15.11.1982 to 07.11.1983 in National Institute of Consumer Studies, and the period from 08.11.1983 to 31.03.1985 rendered as Graduate Work Inspector in the respondents-Corporation for the purpose of fixing his seniority in the category of Senior Assistant in the respondents-Corporation and grant promotion as Assistant Manager.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The petitioner is working as Senior Assistant in the respondents-Corporation. Initially, he worked as Junior Assistant in National Institute of Consumer Studies of Civil Supplies Corporation from 15.11.1982 to 10.06.1983. Thereafter, the said institute terminated his services, by order dated 10.06.1983. Against the said termination orders, the petitioner filed W.P. No. 5998 of 1983, and this Court, by order, dated 17.01.1984, allowed the same. Thereafter, the petitioner, instead of continuing in that institution, has joined as consolidated Work Inspector in the respondents-Corporation on 07.11.1983 as a fresh candidate. While he was continuing as such, some Junior Assistants posts have arisen in the newly created divisions of respondents-Corporation. At that point of time, the petitioner made a request to the District Collector to consider his case for appointment to the post of Junior Assistant by transfer. Accordingly, the Collector has considered his case and

appointed him by transfer as Junior Assistant and allotted to the Office of the Deputy Executive Engineer (H), Vikarabad Division in the existing vacancy, by order dated 01.04.1985. In the said order the petitioner was informed that he would not have any right to claim the services rendered as Graduate Work Inspector. Accordingly, seniority list was prepared. Subsequently, the petitioner made a representation requesting the respondents-Corporation to count his past service i.e., from 15.11.1982 to 07.11.1983 in National Institute of Consumer Studies and also his service from 08.11.1983 to 01.04.1985 rendered as Graduate Work Inspector, which was rejected by reason of the order impugned in this writ petition. It is this order, which is the subject matter of this writ petition.

The counter affidavit filed by the respondents-Corporation also clarifies the above said position. It is clear from the orders dated 01.04.1985 as well as the counter affidavit filed by the respondents-Corporation that the petitioner has agreed to work as Junior Assistant by transfer with a scale of Rs.425-10-455-15-550/- from a consolidated pay of Rs.400/-, and he would not have any right to claim the services rendered as Graduate Work Inspector. Inasmuch as the petitioner, pursuant to the orders of this Court passed in W.P. No. 5998 of 1983 instead of continuing in National Institute of Consumer Studies, has joined afresh as consolidated Work Inspector in the respondents-Corporation on 07.11.1983, and having regard to the fact that he agreed to work as Junior Assistant by transfer by forgoing his previous service rendered as Graduate Work Inspector, no exception can be taken to the orders passed by the respondents-Corporation in rejecting the request made by the petitioner to count his services rendered from 15.11.1982 to 07.11.1983 in National Institute of Consumer Studies and from 08.11.1983 to 31.03.1985 as Graduate Work Inspector in the respondents-Corporation for the purpose of fixing his seniority in the category of Senior Assistant.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 04.09.2006
Nsr/Ksr